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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 11/11/94

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/828,022

Applicant(s)

Amir M. Saffarian

Examiner

Douglas X. Rodriguez

Group Art Unit

2876



☒ Responsive to communication(s) filed on Jul 28, 1998

This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Acknowledgment is made of applicant's amendment filed July 28, 1998. Claims 1-26 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duck U.S. Patent No. 5,440,106 in view of Foreman et al. U.S. Patent No. 5,377,271.

Duck discloses an automated system comprising a point of sale register operable to determine a transaction amount; an input device coupled to the POS register and operable to receive the transaction amount and determine check amount in response to receiving an input from a user; and a check encoder coupled to the POS register and the input device and operable to receive the check amount and encode the check amount in machine readable format (column 2, lines 40-45).

1 Duck differs from the claimed invention in that it fails to teach the printing of the
2 information on the face of the check. Duck actually prints all of the claimed information on a
3 separate label, which is later attached to the check itself.

4 Foreman teaches such claimed limitation. Foreman discloses an apparatus for
5 dispensing money orders, on the face of which the amount of the money order is encoded
6 (column 6, lines 25-47 and fig. 8).

7 To adapt Foreman's method of printing the information directly on the face of the
8 check, instead of a separate label, would have been obvious to one of ordinary skill in the art
9 at the time of the invention. This would have been done with the purpose of preventing
10 counterfeiting or altering of the check (column 2, lines 15-32). As discussed above, Duck
11 attaches a label to the check, this could be inefficient, since a counterfeiting could remove the
12 label and attach a new label with a different amount on it as well as altering the face of the
13 check. With Foreman's method such counterfeiting is prevented. Therefore as stated above,
14 to print the information on the face of the file instead of on a separate label, would have been
15 obvious to one of ordinary skill in the art at the time of the invention.

16 Duck also differs from the claimed invention in that it fails to teach that the check
17 encoder is a pocket-size encoder. To modify Duck's encoder so as to make it pocket size,
18 would have been obvious to one of ordinary skill in the art at the time of the invention.
19 Nowadays, electronics have made it possible to minimize almost any electronic equipment and

1 to minimize the claimed check encoder so as to be pocket size would have been an obvious
2 expedient. This would have been done with the purpose of making the encoder portable so as
3 to allow a sales clerk to carry it around the store in the event an on the spot sale takes event.
4 Therefore, to minimize the check encoder would have been obvious to one of ordinary skill in
5 the art at the time of the invention.

6 In regards to claims 2, 11, 12, 21, 22 wherein it is claimed that the check encoder
7 comprises a magnetic ink encoder operable to encode the check amount in magnetic ink at a
8 predetermined location on the check, such limitation is notoriously well known and commonly
9 used. Furthermore, Duck discloses such limitation (column 6, lines 9-13).

10 In regards to claims 3, 4, 16, 17, 23, wherein it is claimed a keypad and a display,
11 Duck teaches such claimed limitations (column 6, lines 22-31).

12 As for claims 5, 10, 18, 26, wherein it is claimed that the check used is a blank check,
13 such limitation is also taught by Duck (column 6, lines 16-21).

14 In regards to the remaining claims wherein it is claimed the steps of printing a payee
15 name at a predetermined payer location on the check, printing a number in check amount as
16 well as displaying a transaction amount all such limitations are taught by Duck (column 5,
17 lines 1-68; column 6, lines 1-68).

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Response to Arguments

4. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pierce U.S. Patent No. 5,684,286. Discloses a device for optically reading a symbol on a money order by shining radiation therethrough.

Smith U.S. Patent No. 5,678,937. Discloses an apparatus for dispensing a document having monetary value.

Thompson et al. U.S. Patent No. 5,121,945. Discloses a financial data processing system.

Thompson et al. U.S. Patent No. 4,948,174. Discloses a financial data processing system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas X. Rodriguez whose telephone number is (703) 308-4081.

1 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
2 supervisor, Anita Pellman Gross, can be reached on (703) 308-4869. The fax phone number
3 for this Group is (703) 308-7723.

4 Communications via Internet e-mail regarding this application, other than those under
5 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and
6 should be addressed to [anita.gross@uspto.gov].

7
8 All Internet e-mail communications will be made of record
9 in the application file. PTO employees do not engage in Internet
10 communications where there exists a possibility that sensitive
11 information could be identified or exchanged unless the record
12 includes a properly signed express waiver of the confidentiality
13 requirements of 35 U.S.C. 122. This is more clearly set forth in
14 the Interim Internet Usage Policy published in the Official
15 Gazette of the Patent and Trademark on February 25, 1997 at 1195
16 OG 89.

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18 7. If the applicant wishes to send a fax transmission which may be intended as non-official for
19 consideration by the examiner for interviews or other purposes, the fax should be clearly marked:

20 1.) "DRAFT" and/or "COURTESY COPY" on the fax cover sheet along with a statement
21 "DELIVER DIRECTLY TO EXAMINER", and

2.) Should be unsigned by the attorney or agent.

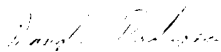
This will ensure that such an un-official fax transmission will not be entered into the application.

Papers related to the application may be submitted to Technology Center 2800 by fax transmission. Papers should be faxed to Technology Center 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine is: (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is:
(703) 308-0956.



Anita Pellman Gross
Primary Examiner



Douglas X. Rodriguez

Patent Examiner

GAU 2876

October 7, 1998